

HOUSE BILL 215

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1lr0105

By: **Chair, Health and Government Operations Committee (By Request – Departmental – Maryland Institute for Emergency Medical Services Systems)**

Introduced and read first time: January 28, 2011

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 2, 2011

CHAPTER _____

1 AN ACT concerning

2 **State Emergency Medical Services Board – Emergency Medical Services**
3 **Providers**

4 FOR the purpose of exempting certain law enforcement officers from certain
5 requirements relating to the provision of certain emergency medical services;
6 prohibiting the use of a certain term except under certain circumstances;
7 requiring the State Emergency Medical Services Board to adopt certain
8 regulations on or before a certain date; providing that certain emergency
9 medical services providers shall be deemed to be licensed or certified under this
10 Act until a certain event occurs; providing for a delayed effective date for certain
11 provisions of this Act; defining certain terms; altering and repealing certain
12 definitions; making certain conforming changes; and generally relating to
13 emergency medical services providers.

14 BY repealing and reenacting, with amendments,
15 Article – Education
16 Section 13–516
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2010 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1

Article – Education

2 13–516.

3 (a) (1) In this section the following words have the meanings indicated.

4 (2) “Cardiac rescue technician” (CRT) means an individual who has:

5 (i) Completed a cardiac rescue technician course approved by
6 the EMS Board;7 (ii) Demonstrated competence in medical protocols within this
8 State as determined by the EMS Board; and9 (iii) Been examined by the EMS Board and licensed as a CRT by
10 the EMS Board.11 (3) “Certificate” means a certificate issued by the EMS Board to
12 provide emergency medical services in the State, except where the context requires
13 otherwise.14 (4) “Emergency medical dispatcher” (EMD) means an individual who
15 has:16 (i) Completed an emergency medical dispatcher course
17 approved by the EMS Board or its equivalent as determined by the EMS Board;18 (ii) Demonstrated competence in medical protocols as
19 determined by the EMS Board; and20 (iii) Been examined by the EMS Board or has been recognized as
21 an emergency medical dispatcher by an emergency medical dispatcher program
22 approved by the EMS Board and licensed as an emergency medical dispatcher by the
23 EMS Board.24 (5) **“EMERGENCY MEDICAL RESPONDER” MEANS AN INDIVIDUAL**
25 **WHO HAS:**26 (I) **COMPLETED AN EMERGENCY MEDICAL RESPONDER**
27 **COURSE APPROVED BY THE EMS BOARD, OR ITS EQUIVALENT AS DETERMINED**
28 **BY THE EMS BOARD;**29 (II) **DEMONSTRATED COMPETENCE IN MEDICAL**
30 **PROTOCOLS AS DETERMINED BY THE EMS BOARD;**31 (III) **BEEN EXAMINED BY THE EMS BOARD OR BY A BASIC**
32 **LIFE SUPPORT EDUCATION PROGRAM APPROVED BY THE EMS BOARD; AND**

1 **(IV) BEEN CERTIFIED AS AN EMERGENCY MEDICAL**
 2 **RESPONDER BY THE EMS BOARD.**

3 **[(5)] (6)** “Emergency medical services” means:

4 (i) Medical services provided prehospital to prevent imminent
 5 death or aggravation of illness or injury whether or not transport to a hospital or
 6 appropriate facility occurs;

7 (ii) Transport from the scene of a medical emergency to a
 8 hospital or appropriate facility whether or not medical services are provided;

9 (iii) Medical interfacility transport services to an appropriate
 10 facility; or

11 (iv) Medical interfacility critical care transport to an appropriate
 12 facility.

13 **[(6)] (7)** “Emergency medical services provider” means an individual
 14 licensed or certified by the EMS Board as:

15 (i) A cardiac rescue technician;

16 (ii) An emergency medical dispatcher;

17 (iii) **AN EMERGENCY MEDICAL RESPONDER;**

18 **(IV)** An emergency medical [technician–basic] **TECHNICIAN; OR**

19 **[(iv)] (V)** [An emergency medical technician–paramedic; or

20 (v) A first responder] **A PARAMEDIC.**

21 **[(7)] (8)** “Emergency medical [technician–basic” (EMT–B)]
 22 **TECHNICIAN” (EMT)** means an individual who has:

23 (i) Completed an emergency medical [technician–basic]
 24 **TECHNICIAN** course approved by the EMS Board;

25 (ii) Demonstrated competence in medical protocols as
 26 determined by the EMS Board; and

27 (iii) Been examined by the EMS Board **OR BEEN EXAMINED**
 28 **AND REGISTERED BY THE NATIONAL REGISTRY OF EMERGENCY MEDICAL**

1 **TECHNICIANS, INC. AS AN EMERGENCY MEDICAL TECHNICIAN** and certified as an
2 **[EMT-B] EMT** by the EMS Board.

3 [(8) “Emergency medical technician–paramedic” (EMT–P) means an
4 individual who has:

5 (i) Completed an emergency medical technician–paramedic
6 course approved by the EMS Board;

7 (ii) Been tested and registered by the National Registry of
8 Emergency Medical Technicians, Inc. as an emergency medical technician–paramedic;

9 (iii) Demonstrated competence in medical protocols within this
10 State as determined by the EMS Board; and

11 (iv) Been licensed as an EMT–P by the EMS Board.

12 (9) “First responder” means an individual who has:

13 (i) Completed a first responder course approved by the EMS
14 Board; and

15 (ii) Been examined by the EMS Board and certified as a first
16 responder by the EMS Board.]

17 [(10)] (9) “License” means a license issued by the EMS Board to
18 provide emergency medical services in the State, unless the context requires
19 otherwise.

20 [(11)] (10) (i) “Medical direction” means the written or oral
21 instruction by a licensed physician to perform specified medical procedures or
22 administer specified medications or intravenous solutions.

23 (ii) “Medical direction” includes the activities of a licensed
24 physician in the State serving as a medical director for an agency providing emergency
25 medical services including quality assurance, planning, and education.

26 [(12)] (11) “National registry” means the nonproprietary,
27 nongovernmental agency that provides standardized national testing and registration
28 for emergency medical technicians based on national training standards.

29 (12) “PARAMEDIC” MEANS AN INDIVIDUAL WHO HAS:

30 (I) COMPLETED A PARAMEDIC COURSE APPROVED BY THE
31 EMS BOARD;

1 **(II) BEEN EXAMINED AND REGISTERED BY THE NATIONAL**
2 **REGISTRY OF EMERGENCY MEDICAL TECHNICIANS, INC. AS A PARAMEDIC;**

3 **(III) DEMONSTRATED COMPETENCE IN MEDICAL**
4 **PROTOCOLS WITHIN THIS STATE AS DETERMINED BY THE EMS BOARD; AND**

5 **(IV) BEEN LICENSED AS A PARAMEDIC BY THE EMS BOARD.**

6 (13) “Provider review panel” means the 13–member panel appointed by
7 the EMS Board in accordance with the provisions of subsection (e) of this section.

8 (14) “Public safety personnel” means:

9 (i) Any career or volunteer member of a fire, rescue or EMS
10 department, company, squad or auxiliary;

11 (ii) Any law enforcement officer; or

12 (iii) The State Fire Marshal or a sworn member of the State Fire
13 Marshal’s office.

14 (b) (1) Except as otherwise provided in this section, an individual may not
15 provide emergency medical services in the State unless issued a license or certificate
16 by the EMS Board under this section.

17 (2) This section does not apply to:

18 (i) An individual who:

19 1. Has completed an emergency medical services course
20 or its equivalent as determined by the EMS Board;

21 2. Is authorized to provide emergency medical services
22 by any state adjoining this State;

23 3. Is called on by a public safety agency providing
24 emergency medical services to render emergency medical services in this State or to
25 transport emergency patients from the adjoining state to a health care facility in this
26 State;

27 4. Is providing emergency medical services within the
28 scope of the license or certificate issued to the individual by the other state; and

29 5. Is not affiliated with an emergency medical service in
30 this State or is not engaged in providing emergency medical services in this State on a
31 regular basis;

1 (ii) An individual who is enrolled in an emergency medical
 2 services provider training program that meets the standards set by the EMS Board in
 3 the course of that training;

4 (iii) An individual who is not engaged in providing emergency
 5 medical services on a regular basis who provides emergency medical services at the
 6 scene of a medical emergency in rare instances;

7 (iv) An individual who is a member of a volunteer fire or rescue
 8 company and solely engaged in driving the emergency vehicle;

9 (v) An individual who assists an emergency medical services
 10 provider but does not directly provide emergency medical services; [or]

11 (vi) An individual who has American Red Cross first aid training
 12 or its equivalent and who provides services within the scope of that training, does not
 13 respond to emergency calls, and does not transport patients; OR

14 **(VII) A LAW ENFORCEMENT OFFICER WHO:**

15 **1. HAS SUCCESSFULLY COMPLETED A ~~LAW~~**
 16 **~~ENFORCEMENT EMERGENCY MEDICAL CARE COURSE APPROVED BY THE EMS~~**
 17 **~~BOARD; COURSE:~~**

18 **A. IN FIRST AID AND CPR/AED APPROVED BY THE**
 19 **AMERICAN RED CROSS, THE NATIONAL SAFETY COUNCIL, OR ANOTHER**
 20 **NATIONALLY RECOGNIZED PROGRAM;**

21 **B. THAT MEETS THE REQUIREMENTS OF THE**
 22 **NATIONAL EMERGENCY MEDICAL SERVICES EDUCATION STANDARDS AND**
 23 **INSTRUCTIONAL GUIDELINES FOR EMERGENCY MEDICAL RESPONDERS**
 24 **PUBLISHED BY THE U.S. DEPARTMENT OF TRANSPORTATION; OR**

25 **C. APPROVED FOR LAW ENFORCEMENT OFFICERS BY**
 26 **THE EMS BOARD;**

27 **2. PROVIDES SERVICES WITHIN THE SCOPE OF THAT**
 28 **TRAINING; AND**

29 **3. IS NOT DISPATCHED AS AN EMERGENCY MEDICAL**
 30 **SERVICES PROVIDER.**

31 (3) This subsection does not limit the right of an individual to practice
 32 a health occupation that the individual is authorized to practice under the Health
 33 Occupations Article.

1 (4) A person who violates any provision of this subsection is guilty of a
2 misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or
3 imprisonment not exceeding 1 year or both.

4 (c) (1) To apply for a license or certificate, an individual shall:

5 (i) Submit an application on the form that the EMS Board
6 requires; and

7 (ii) Pay to the EMS Board any application fee set by the EMS
8 Board under subsection (m) of this section.

9 (2) The EMS Board may not charge a licensing, certifying, testing, or
10 retesting fee to any individual who is a member or employee of any governmental or
11 volunteer fire, rescue, or emergency medical services company at the date of
12 application.

13 (3) The EMS Board shall provide for the term and renewal of licenses
14 or certificates issued under this section.

15 (d) (1) The EMS Board may adopt rules, regulations, protocols, orders,
16 and standards to carry out the provisions of this section.

17 (2) Any regulations of the EMS Board relating to the practice of
18 medicine shall be adopted jointly with the Board of Physicians.

19 (3) Any regulations of the EMS Board relating to the practice of
20 nursing shall be adopted in collaboration with the Board of Nursing.

21 (e) (1) (i) There is a provider review panel to the EMS Board.

22 (ii) The provider review panel shall be appointed by the EMS
23 Board.

24 (2) The provider review panel consists of 13 members, 11 voting
25 members appointed by the EMS Board and two nonvoting members.

26 (3) Eight of the appointed members shall be licensed or certified
27 emergency medical service providers who are actively providing emergency medical
28 services at the time of their appointment. Three shall be members of a governmental
29 fire, rescue, or emergency medical services company, three shall be members of a
30 volunteer fire, rescue, or emergency medical services company, one shall be an
31 employee of a commercial ambulance service, and one shall be an emergency medical
32 dispatcher. In appointing the provider representatives of the provider review panel,
33 the **EMS** Board shall give consideration to providing for reasonable representation
34 from throughout the State.

1 (4) One of the appointed members shall be a physician appointed by
2 the Board of Physicians.

3 (5) One of the appointed members shall be a medical director with
4 emergency medical services experience.

5 (6) One of the appointed members shall be a representative of the
6 Medical and Chirurgical Faculty of the State of Maryland who has emergency medical
7 services experience.

8 (7) The Executive Director of the Institute and the State EMS Medical
9 Director shall serve as nonvoting ex officio members.

10 (8) The panel shall elect a chairman from among its members.

11 (9) The EMS Board shall adopt regulations for the selection,
12 appointment, and terms of the members of the panel, including providing for the
13 staggering of terms.

14 (10) (i) The provider review panel shall review patient care and
15 other allegations of misconduct against emergency medical services providers and
16 provide recommendations to the EMS Board for further action as necessary.

17 (ii) The provider review panel shall perform any other duty or
18 function that the EMS Board requires.

19 (f) (1) Subject to the rules, regulations, protocols, orders, and standards
20 of the EMS Board and subject to medical direction, while providing emergency medical
21 services:

22 (i) A cardiac rescue technician, an emergency medical
23 **[technician–B] TECHNICIAN**, or **[an emergency medical technician–P] A PARAMEDIC**
24 may:

25 1. Perform specified medical procedures as authorized
26 by the EMS Board;

27 2. Administer specified medications or intravenous
28 solutions; and

29 3. Provide emergency medical transport;

30 (ii) An emergency medical dispatcher may:

31 1. Perform medical interrogation in order to determine
32 the type and level of response required at the scene of a medical emergency; and

1 (2) On the application of an individual whose license or certificate has
2 been suspended or revoked, the EMS Board may reinstate a suspended or revoked
3 license or certificate.

4 (3) (i) Unless the EMS Board agrees to accept the surrender of a
5 license or certificate, a holder of a license or certificate may not surrender the license
6 or certificate.

7 (ii) A license or certificate may not lapse by operation of law
8 while the holder of the license or certificate is under investigation or while charges are
9 pending against the holder of the license or certificate.

10 (4) The EMS Board may set conditions on its agreement with the
11 holder of the license or certificate under investigation or against whom charges are
12 pending to accept surrender of the license or certificate.

13 (i) (1) The EMS Board may take action under subsection (h) of this
14 section only after:

15 (i) A review and recommendation by the provider review panel;
16 and

17 (ii) After the individual against whom the action is
18 contemplated has had an opportunity for a hearing in accordance with the provisions
19 of Title 10, Subtitle 2 of the State Government Article.

20 (2) The EMS Board may not proceed with disciplinary cases
21 concerning patient care except upon the affirmative recommendation of the provider
22 review panel.

23 (3) The individual may be represented at the hearing by counsel.

24 (4) Any person aggrieved by a decision of the EMS Board may take
25 any further appeal allowed under Title 10, Subtitle 2 of the State Government Article.

26 (j) (1) The EMS Board shall refer to the Board of Nursing any complaint
27 about an emergency medical services provider who, in addition to being licensed or
28 certified by the EMS Board, is licensed as a registered nurse or licensed practical
29 nurse by the Board of Nursing.

30 (2) The Board of Nursing may investigate and discipline a registered
31 nurse or licensed practical nurse for a violation of this section and a violation of Title 8
32 of the Health Occupations Article.

33 (3) The Board of Nursing shall conduct any hearing required by this
34 section in accordance with § 8–317 of the Health Occupations Article.

1 (4) The EMS Board shall comply with any recommendation or order
2 issued by the Board of Nursing regarding the issuance of a license or certificate by the
3 EMS Board to an individual who is licensed as a registered nurse or licensed practical
4 nurse.

5 (k) (1) The EMS Board may, over the signature of the chairman of the
6 EMS Board, Executive Director of the Institute, chairman of the provider review
7 panel, or State EMS Medical Director, issue subpoenas and administer oaths in
8 connection with any investigation under this section and any hearings or proceedings
9 before it.

10 (2) If, without lawful excuse, a person disobeys a subpoena of the EMS
11 Board or an order by the EMS Board to take an oath or to testify or answer a question,
12 a court of competent jurisdiction may punish the person for contempt.

13 (3) If, after due notice, the individual against whom an action is
14 contemplated fails or refuses to appear, the EMS Board may hear and determine the
15 matter.

16 (4) If the entry is necessary to carry out a duty under this section, any
17 duly authorized agent or investigator of the EMS Board may enter at any reasonable
18 hour a place of business of a licensed or certified emergency medical services provider
19 or public premises.

20 (5) The EMS Board may issue a cease and desist order or obtain
21 injunctive relief if a person provides emergency medical services without a license or
22 certificate.

23 (l) (1) A person who violates any provision of this subsection is guilty of a
24 misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or
25 imprisonment not exceeding 1 year or both.

26 (2) Unless licensed or certified to provide emergency medical services
27 under this section, a person may not represent to the public that the person is
28 authorized to provide emergency medical services in this State.

29 (3) Unless licensed or certified to provide emergency medical services
30 under this section, a person may not use the terms “cardiac rescue technician”, “CRT”,
31 “emergency medical dispatcher”, “EMD”, **“EMERGENCY MEDICAL RESPONDER”**,
32 “emergency medical technician”, [“EMT–B”, “EMT–P”,] “paramedic”, or [“first
33 responder” or] any other words, letters, or symbols with the intent to represent that
34 the person is authorized to provide emergency medical services.

35 (m) (1) There is an EMS Board Provider Fund.

1 (2) Except as provided in paragraph (3) of this subsection, the EMS
2 Board may set reasonable fees for the initial issuance of licenses or certificates and its
3 other services.

4 (3) (i) The EMS Board may not charge an initial licensing fee, an
5 initial certifying fee, a fee for the renewal of a license, a fee for the renewal of a
6 certificate, a testing fee, or a retesting fee to an individual who is a member or
7 employee of any governmental or volunteer fire or rescue company at the time of that
8 individual's application.

9 (ii) The EMS Board shall pay all fees collected under the
10 provisions of this section to the Comptroller of the State.

11 (iii) The Comptroller of the State shall distribute the fees to the
12 EMS Board Provider Fund.

13 (4) The EMS Board Provider Fund shall be used exclusively to fund
14 the actual documented direct and indirect costs of fulfilling the statutory and
15 regulatory duties of the EMS Board as provided by the provisions of this section.

16 (5) (i) The EMS Board Provider Fund is a continuing, nonlapsing
17 fund and is not subject to § 7-302 of the State Finance and Procurement Article.

18 (ii) Any unspent portion of the EMS Board Provider Fund may
19 not be transferred or revert to the General Fund of the State but shall remain in the
20 EMS Board Provider Fund to be used for the purposes specified in this section.

21 (n) (1) The EMS Board may delegate any portion of its authority under
22 this section to the Executive Director of the Institute unless specifically precluded by
23 statute.

24 (2) Notice of any delegation of authority made under this section shall
25 be published in the Maryland Register.

26 (3) The EMS Board may not delegate its authority to promulgate and
27 revise regulations, hear contested cases, or designate the provider review panel to the
28 Executive Director of the Institute.

29 (4) The EMS Board may delegate to the Office of Administrative
30 Hearings the authority to hear contested cases and issue recommendations.

31 SECTION 2. AND BE IT FURTHER ENACTED, That the State Emergency
32 Medical Services Board (EMS Board) shall adopt regulations necessary to implement
33 this Act on or before July 1, 2012.

34 SECTION 3. AND BE IT FURTHER ENACTED, That an emergency medical
35 services provider who is licensed or certified by the EMS Board prior to July 1, 2012,

1 shall be deemed licensed or certified under the provisions of this Act until the
2 expiration of the license or certification.

3 SECTION 4. AND BE IT FURTHER ENACTED, That Sections 1 and 3 of this
4 Act shall take effect July 1, 2012.

5 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in
6 Section 4 of this Act, this Act shall take effect July 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.